

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Joshua David Frank,

Case No. 23-CV-3768 (KMM/LIB)

Plaintiff,

v.

**ORDER**

State of Minnesota; Dilworth Police  
Department; Schlee, Officer –  
Dilworth Police Dept. Badge 745, sued  
in his or her official and individual  
capacity; White Earth Tribal Police  
Dept.; and Franklin Tibbets, Officer –  
Tribal Police 823 – sued in his or her  
official and individual capacity,

Defendants.

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The above matter comes before the Court upon the Report and  
Recommendation (R&R) of United States Magistrate Judge Leo I. Brisbois, dated  
February 14, 2024. No objections have been filed to that R&R in the time period  
permitted.

The Court reviews de novo any portion of the R&R to which specific  
objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of  
objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F.  
Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*,  
73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on the Court's careful review of

the R&R and the record in this case, the Magistrate Judge committed no error, clear or otherwise, and the R&R is accepted in full.

**IT IS HEREBY ORDERED** that:

1. This matter is **DISMISSED WITHOUT PREJUDICE**.
2. Plaintiff's applications to proceed in forma pauperis, [ECF 2, 6], is **DENIED**; and
3. Plaintiff's motion to add supplement, [ECF 8], is **DENIED** as moot

**Let Judgment Be Entered Accordingly.**

Date: **May 13, 2024**

*s/ Katherine M. Menendez*  
Katherine M. Menendez  
United States District Judge